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**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*86 Chambers Street, 3rd Floor  
New York, New York 10007*

October 26, 2007

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# MEMO ENDORSED

**VIA HAND DELIVERY**

The Honorable Colleen McMahon  
United States District Judge  
Southern District of New York  
500 Pearl St., Room 640  
New York, NY 10007

Re: Kachani v. Gonzales, et al.  
07 Civ. 7319 (CM)

Dear Judge McMahon:

This Office represents the defendants, Peter D. Keisler, Acting Attorney General of the United States, Michael Chertoff, Secretary of the Department of Homeland Security, Emilio T. Gonzales, Director of the United States Citizen and Immigration Services ("USCIS"), Robert S. Mueller, Director of the Federal Bureau of Investigation ("FBI"), and Andrea Quarantillo, New York District Director of USCIS (collectively, the "Government"), in the above-referenced mandamus proceeding. Plaintiff seeks to compel adjudication of his I-485 Application for Permanent Residence.

The Government's answer or other response to the Complaint was due on October 22, 2007. As I was out of the country and did not return to the Office until October 23, 2007, Plaintiff's counsel consented to an extension of time to respond. I apologize for not seeking this extension from the Court upon receiving Plaintiff's consent prior to the October 22, 2007 deadline.

At this time, this Office has been in contact with Plaintiff's counsel and with the various defendants to ascertain the status of Plaintiff's application for Permanent Residence. With the consent of Plaintiff's counsel, the Government now respectfully requests, *nunc pro tunc*, an extension of 60 days of the deadline for the Government's response so that it will be due on or before December 21, 2007. This extension of time will enable this Office to better determine the status of Plaintiff's application, and to attempt to expedite a decision on the application.

Additionally, if the Court grants this request, the parties respectfully request an adjournment of the pretrial conference, currently scheduled for November 7, 2007, at 11:00A.M., until after the deadline for the Government's response.